

REMARKS

This amendment is in response to the Office Action mailed January 16, 2008. Claims 1, 14, and 18 have been amended and claim 21 has been added. Claims 1-21 are presently pending. No new matter has been added.

§112 Rejection

Claims 1-20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action objects to the elements “not movable with respect to each other” and “with no mechanical separation anywhere in the layer.” Although disagreeing with the Office Action, the Applicants have amended the claims to remove these elements. The Applicants respectfully request withdrawal of the rejections of these claims.

Claim 1 has been amended to recite that the outer covering is set over the inner core to fix the outer covering over the inner core. This is consistent with paragraph [0052] of the patent application and a common meaning of the word “set” (to become fixed, harden or congeal - American Heritage Dictionary, Dell Publishing, New York, 1983) as recited in the previous response. This definition is consistent with the context of the term “set” in paragraph [0052] of the patent application. A previous Office Action suggested that the term “set” could have a meaning similar to its use in the phrase “to set a box on the table.” This is inconsistent with the use of the term “set” in paragraph [0052] because that portion of the application indicates that the tube is drawn over the core and then, through a heating process, the tube is set over the core. In other words, the term “set” in the context of paragraph [0052] means more than just placing the core instead the tube (analogous to placing a box on a table) because the term “set” is only used after a further heating process is performed.

Claim 14 has been amended to recite that the inner core is disposed entirely within the outer covering. This amendment is supported by at least Figure 2 and paragraph [0047] (including the last sentence of that paragraph) of the present patent application.

Claim 20 has been amended to recite that the stylet includes a rounded distal tip. This amendment is supported by at least paragraph [0045] of the present patent application.

§102 and §103 Rejections

Claims 1-10, 13-18 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,522,875 to Gates et al. ("Gates"). Claims 11, 12, 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gates. The Applicants traverse these rejections.

Claims 1, 14, and 20 each recite a solid inner core having a solid lateral cross-section. Such an arrangement is illustrated in Figure 3 of the present patent application. These claims also recite that the outer covering extends from a proximal end of the stylet to a distal tip of the stylet. (See, e.g., Figures 2, 4, and 5 of the present application.)

In rejecting the claims, the present Office Action asserts that Gates discloses a stylet comprising "an outer covering (201) and inner core (130)... Please note that the coil/core is the inner layer, not the outer layer." Office Action, p. 3. The torque coil 130 of Gates does not have a solid lateral cross-section as recited in claims 1, 14, and 20 and, therefore, the torque coil 130 does not correspond to the recited inner core. Moreover, the sleeve 201 of Gates does not extend from a proximal end of the stylet to a distal tip of the stylet as recited in claims 1, 14, and 20 and, therefore, the sleeve 201 does not correspond to the recited outer covering. The sleeve 201 of Gates only covers the coil-containing intermediate section 121 of the Gates stylet. (See Figure 16 and Col. 9, lines 34-40 of Gates.) None of the other components in Gates form the outer covering/inner core combination recited in the present claims.

For at least these reasons, claims 1, 14, and 20, as well as the remainder of the claims that depend therefrom, are patentable over the cited reference. The Applicants respectfully request withdrawal of the rejections of these claims.

In addition, with respect to the rejection of claims 6, 7, 9, and 10, it is unclear how the sleeve 201 in Gates can have both a) a variable wall thickness along the length of the stylet and b) a

substantially constant wall thickness along the length of the stylet. These two conditions appear to be mutually exclusive. The sleeve 201 can only have one or the other, not both.

Moreover, there is no teaching or suggestion that the sleeve 201 “is thicker between windings of the coil than at the peaks of the coils” as indicated in the rejection of claim 6 on page 8 of the Office Action. The Office Action has provided no rationale for this assertion. Accordingly, it is unclear why the sleeve 201 of Gates would have the characteristics indicated in the Office Action.

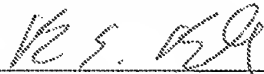
Finally, the Office Action states that the thickness of the sleeve “is substantially constant over the gross stylet length”; however, the sleeve 201 is generally disposed only over the coil-containing intermediate section 121 of the stylet of Gates (see Figure 16 and Col. 9, lines 34-40 of Gates.) If, as the Office Action asserts, the sleeve has variable width over the coils in the Gates stylet, then the width of the sleeve is variable over almost all of its length.

For at least these additional reasons, claims 6, 7, 9, and 10 are patentable over the cited reference. The Applicants request withdrawal of the rejections of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicant encourages the Examiner to contact the Applicant's representative, Bruce Black, by telephone to discuss the matter.

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Respectfully submitted,

By 

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